MINUTES OF ORAL EVIDENCE

taken before the

HIGH SPEED RAIL BILL COMMITTEE

on the

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

Tuesday 19 June 2018 (Afternoon)

In Committee Room 5

PRESENT:

James Duddridge (Chair)
Sandy Martin
Mrs Sheryll Murray
Martin Whitfield
Bill Wiggin

IN ATTENDANCE:

Justine Thornton QC, Counsel, Department for Transport
Jacqueline Lean, Counsel, Department for Transport
Malcolm Gale, Petitioner Representative

WITNESSES:

Peter Miller, Head of Environment and Planning, HS2 Ltd
Rupert Thornely-Taylor, Acoustics and Vibration Expert (HS2 Ltd)
George Astley
Martin Langdon

IN PUBLIC SESSION
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561. THE CHAIR: Justine Thornton.

**GF and B Astley**

**Evidence of Mr Miller**

562. MS THORNTON QC (DfT): Sir, I wonder if I might call Mr Miller to take the detail of the petition which I’m currently responding to. If Mr Miller could go up. While he’s doing that, I’m just going to ask that P704(1) be put up. So, I’m going to deal first, sir, with access to the petitioners’ property, Mr and Mrs Astley’s property, and that concerns traffic out of Hamstall Ridware. And the concern expressed before lunchtime was about the impact of HS2 traffic works on their business.

563. So, turning first to P704(1). That’s an assurance we’ve given to Mr Astley. And, if I just read out (1) and (2), and then I’ll Mr Miller to explain matters: ‘The Secretary of State will require the nominated undertaker, in exercising powers under the Bill, to maintain vehicular and pedestrian access to Blythe House Farm, Hamstall Ridware, on any of the highways marked red, green and blue on the attached plan so far as reasonably practicable during construction. (2) If the access is to be restricted, the Secretary of State will require the nominated undertaker to liaise with the petitioner to ensure that any disruption is reduced so far as reasonably practicable’. And, just to help orient the Committee, if I move to 704(3), those are the highways marked in red, green and blue. So, Mr Miller, if you could explain to the Committee how you see this assurance working.

564. MR MILLER: Well, what we’ve seen from the petitioner is a concern about access to his land. The particular comment is about caravans but there are other things getting to his land – and we did speak to him just before we departed this morning. As I understand it, the blue road has some flooding issues on it – probably no surprises with the River Blythe there. And then the green route is also quite restricted. So, he’s keen to make sure we keep the access open and the assurance goes to that. And we do have some works in the – if I bring up our construction plan – just above the Pipe Ridware area here. We heard about that just last week with, I think, it was Mr Elsom and the farm at Woodhouse Farm, the potato crisp and chip manufacturer landowner there. And
what we’re doing is here is, we are having to take some traffic out close to Pipe Ridware that comes around here on – I think that’s Common Lane; sorry, it’s not showing on this diagram – and then back around the construction to a satellite compound that you’ve heard about. Now, the works that we’ve got planned to go on and connect up with this road are a number of tie-ins and we did quickly look back at those tie-ins – I think we’ve got an exhibit –

565. MS THORNTON QC (DfT): P635(6) is the summary proceeding.

566. MR MILLER: So, remember that we’ve got some traffic here going to this satellite compound in this area here. And you can see – and these road connections – that we are going to have to create tie-ins to Pipe Lane. So, in the assurance, what we’re referring to are temporary tie-ins that will be constructed on that road. But they’re the sort of things that that we see quite regularly that take place overnight or at weekends. So, those are the sorts of things we’re talking about.

567. MR MARTIN: Sorry, can I ask, what’s a tie-in?

568. MR MILLER: We’ve talked about this before. It’s the splay on the edge of the road. So, we’ve got to change those around to make sure they work properly for the traffic. So, ultimately, when we leave the site, these roads will have better standard connections. So, that’s the ultimate effect. The temporary effect is that we will have disruption caused by that. You’ll remember that we had – I think it’s Common Lane is the road we talked about last week; it’s not on this plan – but the construction traffic route is around this way down to Common Lane to get into access that satellite compound.

569. Now, I was going to point out one other thing; it’s a very light blue line on this diagram here. You can see we’ve actually got a temporary diversion of the road, and you heard from Mr Smart talking about bridge decks and viaduct decks this morning. We obviously can’t have conflicts of traffic underneath whilst the works are actually being carried out. So, we will always have to re-route traffic on that road to a safe position under the viaduct or the open space that is created elsewhere. So, there is a bit of temporary road diversion which will need to be accounted for. And that would require its own tie-ins to make that work, but that’s for the safe operation of that road. Now, I suspect what will happen there is that we will probably have temporary traffic
lights in place whilst that work is taking place. And I think that that might give us a clue to the way that we can actually manage the traffic on this road and I think we can probably find a way to make sure there is a reasonable flow, which currently exists, to enable access. There’s no intention to inadvertently cause great long periods of access problems to the petitioner’s property.

570. MS THORNTON QC (DfT): One of the requests that we heard from the petitioner was that any closures be during the night rather than the weekend because his business would be more affected at the weekend. Is that something that HS2 would consider?

571. MR MILLER: It’s certainly something we will consider. I cannot indicate at this moment exactly how that construction is going to take place. It may well be possible to do those times in the night-time period, but we don’t have that answer at the moment. That would be a detailed design matter. It’s the sort of thing which will come through the traffic management plan under the code of construction practice.

572. MS THORNTON QC (DfT): Thank you. And if we could turn to P631(1). Now, one of the requests from the petitioner was a Bailey bridge to be constructed – I don’t think I’ve got the mouse but it’s just –

573. MR MILLER: I’ve got it here. It’s down here by the River Trent.

574. MS THORNTON QC (DfT): And, just to help the Committee’s understanding, the purpose of the request is to divert traffic from Pipe Lane, which is of business interest to Mr Astley and have the HS2 traffic move over the Bailey bridge from the A513. Could you give HS2’s response to that, please?

575. MR MILLER: Yes, what these yellow roads – and I think you’ve heard from Mr Smart about this – this is altogether a different type of traffic compared to HGVs which are the materials in, materials out type movements on the existing roads. The sort of machinery we have going along the trace here, or on that yellow haul road, is big construction plant. It’s the really big heavy wheeled plant that you see on major construction sites. And, just to give you some further indication, we’ve a good number of piers of that viaduct all the way through this section. It will be serviced in both directions but then you’ve got to actually get that crossing sorted over the River Trent
itself, which I suspect is going to be quite a big span, one of these big large-scale piers and then a large-scale deck, which will have to go over the River Trent itself. So, we’re not talking about the same traffic. There will always be the HGV traffic which comes up – actually that’s got the diversion on it which we talked about last week – up Common Lane, up this diversion onto Pipe Lane, and into Dawson Lane. And this is the area where I was talking about the tie-ins, and that temporary diversion there, to make sure that the construction work is safe.

576. MS THORNTON QC (DfT): Thank you.

577. MR MARTIN: I’m sorry, I didn’t quite understand your answer to your own counsel’s question there. The majority of the material that comes out of the borrow pit – is the majority of the material coming out of the borrow pit going to travel along Common Lane and Pipe Lane?

578. MR MILLER: No, I think that’s on the haul road. We’ve got 102 movements going into this satellite compound here and then we’ve got the 10 movements which we heard about here, which are the HGV movements in this area. No, I don’t think that we’ve got the big movements here. It’s on the –

579. MR MARTIN: So, the majority of all the material from the borrow pit will not have to travel along Common Lane anyway or Pipe Lane?

580. MR MILLER: It’s the 102 HGV movements and averaged over that period. The slide that we used last week, which was for the Dawson Lane connection, which is this one here. It’s average daily HGV traffic flows is for the Pipe Ridware embankment here, and that’s 102 HGVs’ movements on that stretch there. And I think we said it was on this diversion at Common Lane which avoided Pipe Ridware here.

581. MR MARTIN: I get that but, I mean, what I’m trying to get at is, would there be – if the road was built from the A513 to the borrow pit and a Bailey bridge over the River Trent, would there be any traffic being taken by that that could not be more sensibly carried along one of the haul roads?

582. MR MILLER: No, I don’t think so, because the Bailey bridge would be here over the River Trent and the viaduct, in large part, is serviced out of this construction site
here. And I think you heard that we get all the materials in there for the raw materials in batching plants and that sort of thing, and then that gets distributed along the line here with the main construction plant and that’s not the HGV type movements. So, we access in here to get the things like concrete and that sort of thing made for the construction itself but the big works themselves, the cranes and all that sort of stuff going on, the heavy lifting of bridge decks, is all taking place on that trace and that’s the heavier equipment. It is not an HGV movement.

583. MR MARTIN: Thank you.

584. MS THORNTON QC (DfT): Could I, while we’re on the same slide, turn to the concern expressed about the borrow pit – that’s the area in grey, BP193 – a particular concern expressed on behalf of Mr Astley was the dewatering effect of the activities of the borrow pit. Firstly, just to assist the Committee, could you explain very briefly what dewatering is and then explain how HS2 is proposing to avoid those problems. If you wish to have up the slide just to get it ready, it’s P125(29) from our standard pack on borrow pits.

585. MR MILLER: There is always a risk of dewatering the ground when we start excavating holes in the ground. And what we’re talking about is groundwater here and what people get concerned about is, ‘does that affect our land?’ if we start digging holes by us being a near neighbour to other people’s property. When we dig out the borrow pit – and the sequence isn’t finally decided – but we will be digging out in sequence. I’m just doing that by way of illustration of the cursor there. We will be taking out the topsoils, storing those, then we will be into the ground itself; we’ll be taking out the minerals. Those will be redistributed for use along the line of the route, and then you’ve heard that we will be receiving other materials from along the line of the route which will be backfilling essentially that void. So, we will be into an operation where we’re taking out materials and then backfilling materially eventually, at the same time. Now, whenever we take material out of the grounds, the groundwater – that’s the water within the ground as opposed to the rivers – that will start to flow into the void that we are creating. And we will have to, and particularly in this area you can see there are probably other gravel workings in this area longer the River Trent – in all likelihood that there’ll be a movement of the groundwater into that void. So, what we will be doing is
586. MRS MURRAY: Mr Miller, if you say you’re going to dig out some out and then backfill, surely, when you backfill it’s going to displace the water that’s collected in that ditch?

587. MR MILLER: Can do. I’ll touch on that in just a second, if that’s okay. So, because the material that’s going to go back in is a slightly different material than that’s been taken out as well, so we need to account for that too.

588. MS THORNTON QC (DfT): Can we put up the sequence –

589. MR MILLER: Yes, is that the sequence drawing?

590. MS THORNTON QC (DfT): Yes, if we could put up P125(29), that may help with Mrs Murray’s question.

591. MR MILLER: Yes, so this is the grounds that we start off with. If we can move to the next slide. Then we start taking topsoils off and doing the early works. Then move onto the next one. Then we’re starting to get to the point where we’re getting to the minerals here. If we can go to the next. This is actually us digging out. And then you start seeing that there’s temporary dewatering here, so in all likelihood, we’re going to have some water flowing back into that. That’s what I’m calling the void there, where that machine is. And then that’ll have to be pumped out, and that’ll either be drained away, or it will be placed on the land over here to recharge the groundwater. Hopefully, that in part starts to answer your question. If we can move on.

592. THE CHAIR: Sorry, Sheryll?

593. MRS MURRAY: The concern is that, from what I could gather, is that the water could result in flooding because it would drain into the river. And there’s nothing here that I’ve seen that suggests that it wouldn’t unless you’re pumping it out and taking it away to somewhere else.

594. MR MILLER: That’s the other points, that’s the surface water that I’m going to talk about after I have spoken about this. There are two issues here: there’s borrow pit concerns, and then there is the surface water concerns and drainage.

595. MS THORNTON QC (DfT): But they were concerned about the water that was
going to be displaced from the borrow pit, I think, as well.

596. MR MILLER: That’s what I’m doing here.

597. MS THORNTON QC (DfT): Shall I turn to the questions about the surface water so we can respond to Mrs Murray? Shall I do that now?

598. MR MILLER: Well, whilst I am on this, could I finish this because hopefully I’ll try and answer the groundwater one –

599. MRS MURRAY: Yes, by all means.

600. MR MILLER: – and then move on to the surface water. Sorry. In here, we then start backfilling materials. What we would aim to do is try and mimic the groundwater regime, in as far as we can, with materials that we’re placing back into the ground, into this void. So, whilst we’ve got to deal with water coming into the void, we pump out, we may discharge it to a stream, or something like that; it has to be clean water. We might recharge the groundwater as well just by putting back into the land as a, sort of, circular motion, I suppose. And then, as we backfill with other material, we’ll try and emulate the groundwater conditions as far as we can. Now, the type of material that’s going back in is going to be less permeable than – it is permeable but it’s less permeable – than the material that we’re taking up because they’re sands and gravels. In all likelihood we’re going to have to put in place a drainage system in here. Now, I’m not quite sure what that would look like. It could be drainage ditches which then percolate water away or it may be some recharge system that will need to be added to the borrow pit site as it’s renovated.

601. And you heard from the petitioner’s witness talking about the sustainable drainage type systems, and our policy is to produce a sustainable drainage system for all of our works, whether that’s surface water or for groundwater conditions. It’s no different here for the borrow pit and we would have to go to the – I think it’d be the Environment Agency in this instance because of the proximity of the site to the River Trent – and any outfalls and consents we would need to get from them. We would then need to agree that final drainage plan with them. We would have to agree what we’re doing by way of temporary discharge or recharge into the groundwater because they’ll be very interested in making sure that groundwater conditions are kept good. So, that’s the groundwater –
602. MRS MURRAY: So, the Environment Agency would actually have a say over this if they had concerns about flooding as well, yes?

603. MR MILLER: The local flooding will be the lead local flood authorities, so that will be the local planning authority but in this particular instance because, I think, there are likely to be outfalls to the River Trent, the main river; there is provision in the Bill for the Environment Agency to be involved in those circumstances.

604. MRS MURRAY: Thank you.

605. MR MILLER: There’s the Environment Agency. There’s the lead local flood authority, which is more local matters, and then there’s the local drainage authority. So, the local authorities will have a say in this one way or another. You can see the types of provisions that we have for protection under section 32 – it’s section 4 of section 32 – of the Bill, the draft legislation before you. And that sets out the arrangements for the control in these circumstances. So, these sorts of arrangements are very, very tightly controlled. And, just to add to that, we have a service level agreement with the Environment Agency and we work very closely with the government’s adviser in these circumstances. As you can imagine a government promoted Bill coming forward, Secretary of State wants to make sure that the government’s advisers are happy with our plans at this stage. And they are happy with them. They have not petitioned this Bill for any reason, so we’re content that the Environment Agency are content with the works at this moment in time. Shall we go onto the surface water? Does that answer your question?

606. MRS MURRAY: Yes.

607. MS THORNTON QC (DfT): You can take this much more briefly because you’ve dealt with quite a lot of what I’m about to ask you already, but just to cover it for the record, if we put up P632(1) to turn to the surface water issue and Mr Astley’s concerns about water flowing from the railway on to Pipe Lane. We heard evidence from Mr Langdon and one of Mr Langton’s points was that the catchment needed to be looked at here in a holistic manner and he queried whether that had been done. He also suggested that the process to date had not been detailed enough. To assist the Committee, could you confirm or explain what the process is that HS2 goes through with respect to these sorts of issues and at what stage that is at?
608. MR MILLER: I’ve given evidence to the Committee before that this is a preliminary design. It’s essentially an outline design. We’re getting deemed planning approval through these proceedings. That’s our intent. So, the design of the scheme is not at the detailed level of design that perhaps the petitioner was expecting. That said, clearly, as with any infrastructure project of this nature, is cutting across ground and we do have hydrological modelling and that sort of thing that’s going on. That’s sufficient at this stage to determine location and sizing of things like balancing ponds. And there are features like this. Some of them are very large, some of them are small. As you’ve seen throughout these proceedings, they’re variously located against roads, railways, in close proximity to rivers and others – matters that are subject to drainage and outfalls and that sort of thing. The petitioner’s witness indicated that there wasn’t any obvious drainage for the railway. I do have to admit that you have to peer into these drawings and probably have a magnifying glass on them but there are drainage channels on either side of the railway. And there are drainage provisions for things like the viaducts, so that the viaducts are not absolutely level. They do have a fall on them and then there will be outflows to drains and that sort of thing.

609. THE CHAIR: Can I call in Sandy?

610. MR MARTIN: Yes, thank you, Chair. Given that Pipe Lane already floods – and we’ve seen photographs of it flooded – and given that quite a large number of your vehicles are going to have to travel along Pipe Lane anyway, are you intending and, if not, why not, to enhance the drainage of Pipe Lane all the way from Church Farm up to footpath 14? Because it seems to me that that’s where you’re going to have problems and, actually, you have already got consent over all of that length of Pipe Lane anyway, haven’t you?

611. MR MILLER: Yes, I mean, it may well be that – I’m not exactly sure what’s happening with the flooding on the road there. The wider point about what we’re doing for balancing ponds generally alongside the railway and the way that we will alter the drainage in the way that we have to by putting a new piece of infrastructure in, that always gives rise to the possibility of local drainage improvements. And it may well be in this case that we find that that may alleviate the flooding issue along Pipe Lane here. It may not overcome it entirely but it may help to alleviate it. And we are designing our drainage systems for climate change, so we’re forward thinking the one-in-100-year
event I’ve spoken to you about before. So, some of these things – and we’ve had people say that our balancing ponds are way too big. And that’s the reason why we’re doing this. So, there’s redundancy within our system, I would suggest, and that may well prove to be very useful in this local area anyway.

612. MS THORNTON QC (DfT): Thank you, Mr Miller. The final question for you. If I could ask you to put up slide P633 to start with. One of the requests that the petitioner had was in the area which is marked 1, 4, 2 and 6, was to reduce or remove the area of ecological mitigation. And if I could ask for slide P638(3) to be put up. Now, this is the plan that accompanies an assurance that we’ve given to Mr Astley. And I don’t know whether you can – it’s hard to read the green bit at the bottom – but it says –

613. MR MILLER: I can talk about that; that’s fine.

614. MS THORNTON QC (DfT): Yes, can you explain, please?

615. MR MILLER: Yes, the ponds were put in for great crested newts. This is one of the double pond locations. We continue, as I think I’ve said to you before, to look at the evidence from surveys and that sort of thing. And we’ve done that. We think, in this location, the broad population or the broad distribution of great crested newts is not as great as we had assumed from the environmental statement. We think, as a first stage, we can reduce the area that’s required in here, and as a second stage, it may even be possible for us to avoid the ecological mitigation in that toe of the land there entirely.

616. So, it’s a bit of a staged process I’m afraid, but I think we can – I think there’s going to be some movement on this. We’ve already said there’ll be some movement on this land and it may be that we can avoid it being affected entirely. So, there’s a bit of a precautionary assessment that’s been taken account of in the environmental statement here, and it’s a good example of when things have moved on and we’ve got a bit more information. We can start to modify our plans. That’s the function of us getting a little bit more detailed. I think you’ve heard from me before talking about the environmental minimum requirements. This would be a continuous part of the process as we go through the detailed design, and it may well be that we can alleviate other bits of land from ecological land take in due course.
617. MS THORNTON QC (DfT): Thank you, Mr Miller. And then just three final points from me, sir. The first is to say that it’s schedule 32, part IV of the Bill which contains the provisions about approvals from the drainage authority and the Environment Agency. The second point is, there was a request this morning on behalf of Mr Astley that, in respect of the borrow pit review, he be treated as an affected owner. What that means is that landowners who are affected, we will consult with along with the NFU before, or as we scope the report, and we’re happy to extend that engagement to Mr Astley – he’s clearly concerned about it and he’s produced evidence and it seems to us that he should be consulted. And then the final point from me is that, with respect to the question of trying to do the tie-in work overnight, which is Mr Astley’s preference – that’s sort of us seeking to do what we can to accommodate – Mr Astley’s covered by the second part of the assurance, which is that I referred to earlier about access. In other words, if we do have to restrict movement along Pipe Lane and these highways, we will liaise with Mr Astley to seek to reduce disruption as much as is reasonably practicable. So, those are the remaining points, sir.

618. THE CHAIR: Thank you, Mr Gale?

619. MR GALE: Is it alright if I just ask a couple of questions of Mr Miller? Can we put up P631(1) please which shows the borrow pits as has been discussed? And, obviously, in the working of removing the aggregate from there, the first point is that topsoil is stripped, as is the subsoil, and it doesn’t appear on that plan that there is anywhere where it is shown as the top and sub being stored? Can you confirm as to whether that is being moved to the area shown towards Quintons Orchard because of the concern of the flooding of Pipe Lane already? And, if you put a bund along that side, there is the potential of exacerbating the situation. So, that’s the first point. And then the second point would be, who will have liability for the ditch that would run along the side once you’ve finished your works? Would that revert to the local authority or will that be HS2, because at the moment local authority are very obvious by their absence, shall we say. And if you’re improving and altering and increasing the flow into those ditches, is it something that HS2 is going to take on as far as liability for maintenance going forward?

620. MR MILLER: The ditches will come into the railway ownership because the consent for the discharge will be with us. So, where we’ve got this embankment here –
you can’t see it on here but there is a ditch around the base of that – that’s clearly an important part of the railway infrastructure, and so wherever that outfalls to through the consent or the licence, whatever it is we end up getting, that will be down to us. So, on your other point about the topsoil storage. I might have to come back to you on it. I’m pretty sure this topsoil storage is for the railway here because we’re going to have to take off quite a bit of topsoil from underneath the embankment and the construction cuttings and so forth through here. The topsoil for the borrow pits, I’m pretty sure, will be stored temporarily on the borrow pit site and then we’ll gradually backfill and restore as we go. But I’m not quite sure exactly the sequence of that. It would make sense to keep it in that area, dig out, backfill and renovate as we go. So, I don’t think that’s what’s happening down here.

621. MR GALE: Okay. Just going back to the point about the ditch course and maintenance of that, I’m actually talking about the one that runs along Pipe Lane because you’re going to be increasing the flow into that as I understand it?

622. MR MILLER: I’m sorry?

623. MR GALE: It’s the one that actually runs along quite way which then obviously discharges back towards the Trent.

624. MR MILLER: No, that’ll have to revert to the owner of the road. So, if that’s in a local highway’s ownership then that will have to be handed back to them in the condition that they want it. But our drainage will be drainage.

625. THE CHAIR: Does that satisfy you, Mr Gale?

626. MR GALE: If the local authority carry out their works then it will be okay but the concern is that they don’t do it at the moment, and it has actually been local farmers that have gone in and cleaned out the ditches to try help it work. So, it is a concern that if there’s going to be an increased flow because of the HS2 works that I’d like to know that that is going to be kept clear, not just for the individual petitioner, but for the village of Hamstall and the access along there. So, again it’s a practical point rather than anything else.

627. MR MILLER: I think that was a temporary issue you’re concerned about that
build-up –

628. MR GALE: On Pipe Lane, back there.

629. MR MILLER: Sorry?

630. MR GALE: That one.

631. MR MILLER: Sorry, it’s me touching the mouse too often, I think.

632. MR GALE: Where the cursor is now.

633. MR MILLER: No, that will have to go back to the local highway authority. We won’t have an interest in that, no.

634. MR GALE: And, finally, on the drainage that will be within the borrow pit, the restored borrow pit, who actually decides on whether or not the design is acceptable as far as the scheme that is proposed, because, obviously, as you say, it’s going to be less permeable material that goes back in there and the concern again is, because it’s a wet area anyway, whether that then exacerbates the situation?

635. MR MILLER: Well, I’m pretty sure that that will have to go back to the Environment Agency because I think there will be a groundwater drainage system put in here, which is a normal kind of feature that you have with quarrying types of operations. And then any outfall from that which is taking out the surface water or anything which in a pipe will eventually find its way into a drain or a tributary of the Trent, and that will have to be dealt with appropriately through licensing and consents with the Agency.

636. THE CHAIR: I think that then concludes this petitioner. We now move to the next petitioner. Thank you very much. Right, do you want to press ahead, Mr Gale?

E and P Ridley

Submissions by Mr Gale

637. MR GALE: Thank you, Mr Chairman. So, this is for Messrs Ridley who farm at Hadley Gate Field Farm. The petitioners are not here today. They effectively have a farm of 34 hectares over two sites –
638. THE CHAIR: Just to confirm, so we’re doing Ridley now and then –

639. MR GALE: Yes, doing Ridley and then Hooley.

640. THE CHAIR: That’s absolutely fine.

641. MR GALE: Is that okay?

642. THE CHAIR: That’s not the order I was expecting but it doesn’t matter. Ridley.

643. MR GALE: Sorry, I do apologise. This is Messrs Ridley who farm at Hadley Gate Field Farm, 34-hectare farm, which is mainly arable but they are pig farmers so they run 1,000 pigs in total, so 150 sows and then the offspring of theirs. They also run a public weighbridge at the site. They bought the farm about 40-50 years ago and they’ve now got the second generation running that business. The issue that we have here – there’s a couple of ones – one is to do with Bishton Lane which we’ve already been through so I’m not going to repeat the issues that we have with regard to Bishton Lane and the access and the excess use and things like that. So, what I’ll concentrate on is the position with regard to the farm itself and the loss of any land. So, margins are tight on there. If the land take is as proposed – 183, please. So, if the land take is as proposed, which you see the roadway, which has been put in on this north side – that one there, it’s effectively that section – if that goes in, then the adviser has told us that they would have to reduce stock numbers by 22 sows. Each sow has two and a half litters a year. That’s 25 piglets per year per sow, so 550 pigs lost at £100 a pig. So, straight away you can see –

644. THE CHAIR: Sorry, I’m unclear on this map where the farm is. Have we got a better map?

645. MR GALE: The farm –

646. THE CHAIR: – with an outline of the map. Have HS2 got one in their pack, perhaps?

647. MR WHITFIELD: Can I suggest 617?

648. MR CHAIR: Excellent.
MR GALE: So, the actual holding itself where the pigs are is on the south side and then the land on the north side is the land that is affected by the new lane that’s coming in here. So, as I say, if that lane goes in as it is, then the projection is that there will be a loss of 550 pigs a year at £100 a pig. Now, obviously that is current values. The original proposal that came out of the draft environmental statement actually had the lane on the northern side of the trace – 185, please.

THE CHAIR: Is the loss of pigs because of a severance of land or a loss of area of land?

MR GALE: No, sorry. The issue is that in order to comply with NVZ regulations, the muck from the holding has to be spread on land. At the moment the situation is they utilise their own land which is that area which is shown on that north side but they also use a storage facility, so a slurry store, at Messrs Dangerfield’s farm who we saw this morning, hence the reason why they have an issue with Bishton Lane, because they have to take the slurry up to there when they can’t spread it on their own land. So, any loss in land that they have will have a proportionate reduction on the number of stock that they can keep because of the nitrogen allowance, there’s a maximum nitrogen allowance that can actually be spread on the ground. So, that’s what has caused it.

MR WIGGIN: They could have an AD plant.

MR GALE: If they could afford to put one in in the first place, sir.

THE CHAIR: Sorry, Sandy?

MR MARTIN: I’m still slightly confused because actually the overall land take for this particular landholding is not enormous.

MR GALE: No, it’s not.

MR MARTIN: It’s the severance that looks bad but the severance surely won’t affect the amount of units per hectare.

MR GALE: The amount of land that’s taken under the proposal is greater than the amount of land that was shown being taken on the draft ES. The draft ES is the one that
I’ve put up on the screen at the moment. And you’ll see that the proposal at that stage was to have the lane coming along this bottom side which doesn’t then cause it to go in straight through the middle of there which is along a watercourse or ditch along here. So, what we’re saying is if that could actually revert to that position, it would reduce the land take, therefore, reduce the impact on the farm and, in our view, avoid potential issues in respect of drainage on that northern section. The other point is –

659. THE CHAIR: Sheryll Murray’s got a question.

660. MRS MURRAY: Do you have a reason why it was changed?

661. MR GALE: We are told –

662. MRS MURRAY: Have you asked HS2 and have they explained why it was necessary for them to change that?

663. MS THORNTON QC (DfT): Mrs Murray, we do have a reason. We totally understand the concerns being expressed. We have thought about it carefully. I’m afraid it isn’t possible and I’m going to call Mr Miller to explain why.

664. MRS MURRAY: Okay. Thank you.

665. THE CHAIR: We look forward to that. Back to you Mr Gale.

666. MR GALE: Obviously, it does very much depend upon what happens with regards to the position of the road.

667. Can I go back please to 183? Thank you. You’ll see on that slide, which is the current proposal from the promoter, that at point 5 there is also then a balancing pond which is put in there, which again is reducing the amount of land that’s available. We’re concerned, apart from the land loss, but also that the balancing pond is in the wrong place. And I will ask Mr Langdon just to have a quick word about that in a moment, if that’s alright.

668. Another point that needs to be made is that around watercourses there are restrictions as to how close you can get to with regard to sprays and any muck spreading. So, again, it just pushes it out further. So, although that looks like the land take because of the water potential there, there is a likely issue, which is going to be
exaggerated, I suppose, is that is the best way of putting it. The suggestion that we had come about was that the balancing pond was put onto the other side of the road where number 6 is shown on that plan, which will then potentially reduce the impact on the land itself if, of course, we can’t get a movement in respect of where Hadley Gate Lane is at the moment.

669. One of the reasons I think that, or a couple of the reasons that have been put forward, in respect of not reverting to the draft ES is that it’s trying to put in errant vehicle protection which one assumes is in respect of vehicles accessing Hadley Gate Lane and then back onto the Blithbury Road. Hadley Gate Lane is basically used for agricultural access and four houses, but I think two are probably owned by HS2 now anyway. So, that is the maximum. And I would have thought that crash barriers would be quite easy to install if that was a serious issue. And then there’s also about a drainage ditch being cut off which, again, I can’t quite see it being a particular problem but, no doubt, we will find out. So, the total loss of land under the current plans is almost six acres. If we move the balancing pond, the route of the road then that would take it down to two and a quarter which, although it doesn’t sound a great difference, it does have an effect on the overall farm. The other point is that the design as shown doesn’t give access into the fields which are owned on that northern side. There’s currently two separate gateways into this field – one in here and then one around here. At the moment they are not there.

670. If I can just ask Mr Langdon to come up, please? Mr Langdon, can I just ask what your opinion is in respect of the location of the road that’s proposed and its effect on the ditch course and the culvert that is showing along the north-west to south-east?

**Submissions by Mr Langdon**

671. MR LANGDON: Certainly. Yes, thank you, Mr Gale. The position of the diverted Hadley Gate Lane, as is shown here, basically sits right on top of all the field under-drainage. Now, there is extensive field under-drainage in a lot of the farms in this area. And this was all put in at public expense, and generally in the days of MAFF. A lot of the drainage systems still work. Unfortunately, where this alignment shows is smack on top of all of the collector drains that drain all of the fields basically to the east and the west. Now, that is going to have an effect on the crop yield, and the crop yield
is important for the feeding of the pigs, so not only is there the nitrate spreading issue but there is also the crop production, which is critical to the viability of the farm. So, if the under-drainage is damaged – and I have to say we haven’t actually seen any proposals yet to actually take that into account – what is going to happen with the under-drainage and how is it actually going to be put into the existing brook network?

672. The other route which was shown on 185 – if you quickly put that up, please. That basically would allow for any drainage of the road itself to possibly be put into the track-side ditch that they’re proposing to put in any way. So, there wouldn’t need to be a huge amount of collection for a balancing pond from the road that they are putting in now, or wanting to put in now. So, it’s almost like, if you go back to the original idea, it’s hydrologically much easier for them to do and it’s actually much better for the environment; you’re not actually putting a lot of the water that could be contaminated into the system. You’ve got a lot less to work with. They’ve actually got here, near the overbridge – I don’t believe it’s a balancing pond but it was, I think, it was a mitigation pond of some description – but the idea of having the pond on that side is actually something that we were looking at and hydrologically that make a lot more sense. If you’re putting it on the downstream side, you’re collecting not only what comes down the brook between the two fields, but you’re also collecting everything that comes from the highway drainage; whereas in its current position, which is shown on 183, you’ve actually got it in a slightly uphill position, trying to collect everything before it hits the road. So, it’s almost self-defeating. So, I think that, hopefully, answers that question.

673. But the issue I’ve also got is that when these roads are put in at the top end of the Hadley Gate Lane, you’ve got a connection to footpath 17. Now, all along footpath 17 is an open ditch which takes water from not only subsoil drainage on the fields to the north, but also up the top end of the catchment, so it’s quite an extensive area of water that it collects. And, as far as I’m aware, from the proposal shown, there is no way of collecting that water, taking it anywhere and disposing of it safely. So, the question is what’s going to happen to it? Yes, I think that is probably about it.

674. MR GALE: Do you want to mention that culvert under the road; are you concerned about that or not?

675. MR LANGDON: Right, yes, sorry. Forgot about that, yes. The culvert under the
road, there’s actually two culverts presumably that are going under the road. There the one at the top end of the overbridge where it’s the rail side drainage channel or ditch. There’s supposed to be a culvert presumably that goes under there – not quite sure where that is. And also, there’s a culvert that currently goes under the road, it’s a two-foot culvert and it’s actually, probably considered to be undersized which in some respects is something that the environmental lobbyists would want, because it’s keeping water in the upper end of the catchment. It would cause local problems on the north side of the road but it’s actually going to prevent further issues downstream. The question is, with the current proposals, they’re wanting to put another culvert in but it was to be oversized by 300 millimetres – an extra foot. So, the question was, if you’re going to be disposing of the water very quickly, then is that going to have an effect downstream? If you’re having the road aligned as it was on the old design, which is at 185, then that doesn’t need to be such a big culvert.

676. MR GALE: Can I move on from that particular aspect? The other point that’s been raised in the petition is the concern in respect of noise and ground vibrations. The reason for that is that pigs are very susceptible to noise, not so much noise which is constant because they’re then used to it, but if it’s sudden noises which obviously would be the case as far as the train is concerned, then there is the concern that there may be issues with regards to pigs aborting. Now, we appreciate that it is 320 metres away but there is a concern which we would like to see addressed. And I appreciate that it has been raised saying that there shouldn’t be any vibration or noise at that point, which is obviously at point 9 on that particular plan, but we are concerned that that will be the issue and we would look to see if there’s any way of reducing that impact by some noise insulation screening or some description.

677. THE CHAIR: Okay. Sandy?

678. MR MARTIN: I can’t pretend to be an expert on pig farming but I do know that Jimmy’s Farm is located right next door to the Great Eastern Main Line just outside Ipswich because I go past every time I come here and go back to my constituency. There’s quite a lot of space in north Essex and, indeed, in south Suffolk and he could’ve located anywhere further away from a railway line but chose to locate there. Can you explain why?
679. MR GALE: I can’t explain why Jimmy decided to put his farm there, sir, but –

680. THE CHAIR: I think you’ve have made your point. There’s some uncertainty which we can come back to if we need to. I don’t want to get into too much detail. Can we go to HS2 now, Mr Gale? Have you finished?

681. MR GALE: Absolutely, sir.

Response by Ms Thornton

682. MS THORNTON QC (DfT): Sir, if I just start with the point about pig noise. I am intending to call Mr Thornely-Taylor who is our noise expert to address that very question that has just been raised by Mr Martin.

683. THE CHAIR: Thank you.

684. MS THORNTON QC (DfT): We’re conscious that it’s possibly not something the Committee’s heard evidence on before so he will address that. I’m going to start by explaining what we can offer Mr and Messrs Ridley which I’ll just summarise. And then I’m going to call Mr Miller to explain, unfortunately, there are things that we can’t accede to –

685. THE CHAIR: Well, while you’re explaining that, if we could do a behind the scenes change of witness to speed things up. But do carry on.

686. MS THORNTON QC (DfT): Yes. So, I will start by summarising what we have been able to offer Mr Ridley and his brother Mr Ridley. If we put up 617, please. Now, one of the concerns expressed was about an area of ecological mitigation here. And if P639(3) could be put up, please. This is a plan that accompanies an assurance that’s been given to him that the area in blue, the area of proposed landscape planting will be removed and instead there will be a narrow strip of proposed hedgerow habitat creation. So, we’ve been able to reduce that land take. Secondly, Mr Gale raised the impacts or the concerns about getting the manure that Messrs Ridley have from their farm to Moreton Farm, and that raised the issue about Bishton Lane. It also raises the issue about the accommodation, green overbridge, Colwich bridleway number 23. Mr Gale didn’t want to pursue that point because, as he said, it has been dealt with this morning but just to provide, hopefully, reassurance to Mr and Mr Ridley.
687. Firstly, we’ve been able to offer an assurance today so I appreciate Mr Gale hasn’t seen it – I’ve talked him through it – that effectively the Secretary of State will require the nominated undertaker during the construction of the proposed scheme to use reasonable endeavours to provide the petitioners with such vehicular access over Bishton Lane as may reasonably be required by the petitioners for the purposes of accessing the existing manure storage facility located at Moreton Farm. And, secondly, to remind the Committee that Mr Miller gave evidence this morning where he clearly said that HS2 policy and commitment is to accommodate existing farm vehicles and that will include Mr Ridley’s existing tractor which he uses for manure, so hopefully that’s some reassurance. We are also looking to provide Mr Ridley with some assurance about access to the fields from the realigned lane, which I’ll come on to, but that’s in the process, we’re looking at that.

688. And then, finally, just on what we can offer at P629(1). This is in respect of the drainage concerns outlined by Mr Langdon. This assurance has been offered to the petitioners via Mr Gale. And, effectively, it says, and I’ll just read out the main points there. This is the standard NFU agreed undertaking on drainage so, ‘The nominated undertaker will identify the existing drainage arrangements. The location of any drains cut or disturbed will be recorded. 1.3 Appropriate drainage consultants will be utilised’. And then over the page, ‘Prior to construction, land drains affected will be, where practicable, intercepted in a manner which maintains their efficiency and as-built plans will be provided to the farmer or the landowner and, where natural drainage patterns are adversely affected, the provision of supplementary drainage or irrigation works will be considered having regard to an assessment of compensation and the commercial justification by the farmer’. So, that’s where we hope we have been able to reassure Mr Ridley. I’m now going to ask Mr Miller to explain – yes?

689. MR WHITFIELD: Sorry, can I just? 1.6 talks about natural drainage; that would presumably extend to include the artificial drainage that was put in some time ago, the existing drains that are there.

690. MS THORNTON QC (DfT): Would it be acceptable if I ask Mr Miller to confirm the position?

691. MR WHITFIELD: Absolutely, of course.
692. MR MILLER: Yes, the simple answer to that is yes. So, what’s there at the moment would be seen as a natural drainage plan.

693. THE CHAIR: Simple’s good.

694. MS THORNTON QC (DfT): Thank you. So, if I now turn to one of the main concerns of Mr Ridley, is the realigned Hadley Gate Lane. And if I could ask for P615 to be put up, please? So, what we can see here is the current position. We’ve got Hadley Gate Lane going down here and then Blithbury Road going across there. That’s just to orientate the Committee. And then as a result of the railway, we move to 616 please. And you can see what Mr Ridley is concerned about is we’re having to realign Hadley Gate lane to go through the middle of his land, albeit via an existing field boundary. On behalf of Mr Ridley, Mr Gale has explained that Mr Ridley’s preference is for an earlier version of the scheme, and that’s set out at P625(2). And just turning to the diagram, before I ask Mr Miller to explain, you can see that the earlier version of the scheme which, understandably is Mr Ridley’s preference, doesn’t cut across through his land, the realigned lane, or cuts through less of his land.

695. As I said, we have considered whether it’s possible to accede to Mr Ridley’s request and unfortunately, it isn’t, and I’m now going to ask Mr Miller to explain why that’s not been possible.

Evidence of Mr Miller

696. MR MILLER: Yes, essentially, what we are trying to do with Hadley Gate Lane is maintain access to those properties and, as you can see, by the railway, we’ve cut off the road entirely in that location, so we’ve got to connect up with the Blithbury Road. So, our original consideration was to try and get it in on this particular alignment and there it is with all its land take. But it doesn’t work for a variety of reasons set out on this slide. And the new alignment enables us to get a much better connection on to the Blithbury Road which will enable safe passage of traffic on to and off that road in the location that we’ve got it.

697. We also want to avoid any further ingress into people’s property on Hadley Gate Lane and to make sure that we avoid as many demolitions – albeit there are demolitions there at the moment – and to keep that area of land functioning on the way that it is, or
as far as we can, as it is at the moment.

698. MR WHITFIELD: Can I ask Mr Miller, I assume the properties that you’ve purchased on Hadley Gate Lane are the two that are in that yellow square being ones closest to the railway line?

699. MR MILLER: Yes, they are – that’s right.

700. MR WHITFIELD: So you are the possessors of that land at the moment?

701. MR MILLER: Yes. When you – you can see on that diagram that there are a number of plots which fan off going towards the north; there is a green plot in there and then there is a yellow line going around – well, it’s a red line there, yellow and red line. And I think that’s all to do with these properties in here. So, I think that the two properties are almost self-contained by the railway itself.

702. If you take this up, then you’re going to be encroaching into that land.

703. THE CHAIR: I must say, I don’t find many of those arguments as compelling as some of the others arguments. When you said to us no before, there’s normally been, ‘Oh yes, obviously we can’t do that’, and I understand, and it might be that I don’t understand but what would be the stand out reason that says that we can’t do this? Which is the lead objector?

704. MR MILLER: Well I think it’s actually to make sure it’s a safe connection onto the Blithbury Road here. So I don’t know if we can bring up our scheme design?

705. THE CHAIR: So it’s a traffic highway safety issue?

706. MR MILLER: Sorry, I don’t know if we’ve got – probably P618 will do it, I think. So, in here, this is the safe access onto and off the Blithbury Road in this location. We’ve got to maintain access to these properties, no doubt about that, and that’s, in our consideration, the best way of doing it, to make sure that Blithbury Road works.

707. MS THORNTON QC (DfT): And just as a point of clarity, I understand there are seven properties there, of which two are being demolished by HS2, but that leaves five properties who still require access?
708. MR MILLER: Yes, that’s right and they’re in this complex here.

709. THE CHAIR: Sheryl?

710. MRS MURRAY: If you put up P616, two may have been demolished; the others don’t seem to fall within the Bill limits?

711. MR MILLER: No, and that’s where you end up taking that road alignment through the bottom of that area. So you’re in this area here.

712. MRS MURRAY: And then if we could look at 617, you seem to have said that it was to protect – you couldn’t go around the edge of those properties because of safety concerns with regard to the proximity of the railway cutting, but you’ve actually got planting along there.

713. MR MILLER: Yes. That, in our scheme will be much reduced through there as well, and that’s why we’re – well, we’re saying that these road connection here is the safest way of getting onto the Blithbury Road without affecting anything on the railway, and giving that access.

714. THE CHAIR: What type of volume of traffic are you expecting down that road?

715. MR MILLER: Well probably not a great deal; it’s probably just access to those properties, so it’s going to be those farm properties. I’m not quite sure exactly what those properties are. They have got quite big areas of land, and they seem to have some paddocks.

716. MRS MURRAY: But if you wanted access to those properties, what you’ve proposed doesn’t allow access to those properties.

717. MR MILLER: Yes, it does, because it comes off Blithbury Road up here to Hadley Gate Lane. So, Hadley Gate Lane at the moment comes from the Blithbury Road here, comes across the railway here, so if you’re coming from the south west, you come up Blithbury Road here, you turn off and you come into these properties. If you come down from the north, you’re coming down in this direction – sorry, north-east, you’ll come down this route.

718. MRS MURRAY: So you’ve got a bridge – with either scheme?
719. MR MILLER: You’re right; we’ve got a realignment of the Blithbury Road which comes through here, so this is the realignment of the bridge.

720. MRS MURRAY: I’m not convinced that it’s necessarily – there’s any difference, I’m not convinced that there’s any difference between what you had proposed before and what you’re proposing now as far as the railway is concerned. Convince me otherwise, Mr Miller.

721. MR WHITFIELD: Just before you answer, Mr Miller, could I take Mrs Murray’s points a little further, and if we look at 616, it’s not because of the existence of that haul road that’s preventing that from being the optimal route, is it?

722. MR MILLER: No, I don’t think so. The main issue is to get back onto the Blithbury Road in the safest way possible. And that’s where we’ve considered the route there. Clearly, we have to create access to the properties here, to maintain the access to those properties, so that they can exist, we can’t dispense with the road entirely, and through here, and that tight turning here, on the Blithbury Road, is not desired.

723. THE CHAIR: Sandy?

724. MR MARTIN: Yes, Mr Miller, I think I picked up from you previously, but perhaps you could reiterate it a bit more loudly and clearly, the long thin parcel of land with the small round pond in it, to the south-east?

725. MR MILLER: Yes, I think that’s this property here –

726. MR MARTIN: Sorry, you’re going too fast again, that long thin sliver, with the round pond in it, belongs to the person with the house on the west side of that cluster; is that not correct? It’s the house on the west side of the cluster, just above the newly constructed end of the road – stop moving, up a bit, up a bit, left a bit, a bit further left – that one, that house, is the person who owns the land with the small round pond, and their land actually curves round to join their house, and if the road to the south were to be constructed, then that person’s house would be completely severed from the rest of their land; is that not correct?

727. MR MILLER: It’s definitely – I’m not sure whatever it’s that particular property, because I think we’ve – we might have covered over the properties, but it’s definitely
this piece of land here that we would end up affecting by a new road and then whatever property enjoys that land there, will either have to be demolished, or it will be acquired because a road will be going over their land, and quite possibly the physical property.

728. THE CHAIR: I’m conscious this is HS2’s time to come back on things, but are you happy if Mr Gale just comes in briefly. I think he wanted to –?

729. MS THORNTON QC (DfT): Sir, yes entirely. Can I just correct a factual error I made, because I don’t want to mislead the Committee. There are, in fact, seven remaining properties, not five as I said initially. So, those seven –

730. THE CHAIR: Thanks for that correction, thank you.

731. MR GALE: I have to say I disagree; our understanding is there are four properties of which two are to be demolished which is one point I wanted to raise; we need to check on that. The other point, Mr Miller, is you said –

732. THE CHAIR: I’m not sure – although it’s clearly a matter of fact, I’m not sure it will materially change our decision.

733. MR GALE: No.

734. THE CHAIR: So let’s not get hung up on this issue.

735. MR GALE: What I was going to say is Mr Miller had mentioned about access directly to north Hadley Gate Lane; that’s actually a green lane, so that isn’t an important point, and I can’t quite see the difference to the access is where it’s proposed there as to what it was before, as far as it being on the outside of a bend anyway.

736. THE CHAIR: Okay, I think I’ve been generous. Back to HS2.

737. MR GALE: Thank you.

738. MS THORNTON QC (DfT): Thank you. Could I ask you now, Mr Miller, to address the request to move the balancing pond, and to do that, could we go to P625(6) please? And just to set the scene, the balancing pond and a turning head are shown here, and the request from the petitioner has been firstly to move the balancing pond to this location here, where the blue arrow is, and then, more recently, to move it to location A,
and Mr Langdon gave evidence as to why that would be a better location for it. Could you give HS2’s response to that request, please?

739. MR MILLER: Yes. The balancing pond, in my diagram you can see that the Hadley Gate Lane – this new lane will provide a low point in close proximity to the balancing pond, so to answer the point about it being in the right location, that’s our consideration for the way that the water works in this area, and hence the location for our balancing pond on this plan.

740. To move it to the end of the arrow would move it into a satellite compound, you’ve heard about those sorts of things before, and the timing of all of that is – it doesn’t work from our perspective to get the Hadley Gate Lane in and then get that drainage regime working whilst that satellite compound is actually working, so that doesn’t work from our perspective.

741. Then the area of land, A, that’s not in the Bill plans, that will be a separate piece of land which would have to be acquired, but as I say, the low points in the land which the balancing pond is dealing with is, that point, shown by the black arrow, Hadley Gate Lane low point.

742. MS THORNTON QC (DfT): Thank you. And then final question for you, Mr Miller, you heard the concerns about drainage arising from the realigned Hadley Gate Lane, which were expressed by Mr Langdon. You saw me take the Committee through the drainage assurance that has been offered to the petitioner. In your professional opinion, are the concerns expressed on behalf of the petitioner today dealt with through the process laid down in that assurance?

743. MR MILLER: They are and I think there was some conversation about the culvert in this location which is of a certain diameter, being moved to a larger diameter. That could, and most likely will affect flows, and things like flows are an important part of the plans that we would look into when we get through to the detailed design. So, whilst we might alter existing drainage regimes through here, and that may well alter for the better, the knock on effect, where the water ends up, will need to be accounted for through that design. So, any increased flows or changes in the regime would need to be accounted for through the water system.
THE CHAIR: Can I just ask a question – I understand why the compound is where it is and where the balancing pond – makes sense to be there; it seems an awful shame that at the end, when the construction satellite compound disappears there will be that empty space. Is it feasible to have a temporary balancing pond where you are suggesting, and then when the satellite compound moves, to put it there, or indeed, as another possibility, to put the satellite compounded where the figure A is, notwithstanding the fact that outside the Bill limits at the moment, is that a possibility? So it tucks the balancing pond down and maximises contiguous land.

MR MILLER: I think the location of the balancing pond, bearing in mind that’s the low point on this Hadley Gate Lane diversion, is in the right location. It may well be that we can reduce the area of land there, it’s another area where we’ve got quite a big turning head, for example, and so we might, as we said before, we might be able to play tunes on that.

THE CHAIR: So what stops – forgetting about the satellite compound, what stops it being in that area? Is it extra cost or is – has to go uphill?

MR MILLER: Well, yes, it might be that if you’ve got – if you’re altering the culvert through there, an existing culvert through there, because you’re changing the road, it may be that you could accommodate something different in the permanent situation.

THE CHAIR: Maybe it’s something that we could ask you to look at in a bit more detail.

MR MILLER: I don’t think we could rule it out, but it isn’t actually ruled out, because of the way that we would go about this, and clearly, if we could get that facility off that land, and avoid affecting that land, that’s obviously beneficial to the petitioner for his farm holding.

THE CHAIR: Thank you. Any other questions? Great well, on to the next petitioner –

MS THORNTON QC (DfT): If I could just call Mr Thornely-Taylor to address
you briefly –

753. THE CHAIR: Of course, thank you. I’d entirely forgotten, my error, my turn to apologise. Mr Wiggin would have been deeply upset if we’d not heard the evidence. We are intrigued.

754. MS THORNTON QC (DfT): While Mr Thornely-Taylor is sitting himself down, if I just introduce this report. It was a report produced on Phase One, following a request from your predecessor committee, and it was produced in time for the House of Lords petitions in relation to Phase One because there, the concern had been expressed about the impact of train noise on livestock. So, Mr Thornely-Taylor, could you briefly explain the content of this report before I ask you specifically about pig noise?

Evidence of Mr Thornely-Taylor

755. MR THORNELY-TAYLOR: Yes. The task was approached in two ways; one was to ask two of the leading experts in the field of effect of noise on people and animals, to do a literature review and to report on everything they found in the scientific literature about the effect of noise on animals.

756. That leads to some very interesting information which we can look at in a moment. Then separately from that, the authors of the report reviewed the basis of the environmental assessment and the screening criteria, as they called them, in other words, the noise levels below which the results of the literature review indicated one could ignore noise as a potential effect on animals.

757. I think it’s quite helpful if we start with one of the most interesting outcomes from the literature review which is on R299(42). It’s the last page of the report. I’ll just explain what this means. It’s different species of hooved animals, and it’s the hearing threshold of the different species, and if I could just briefly explain; all the species that we see there range from sheep to pigs, to cattle to horses, are much less sensitive to sound than human beings are, at frequencies below a high pitched whistle.

758. THE CHAIR: Human beings aren’t on that chart are they?

759. MR THORNELY-TAYLOR: They are not. I have plotted the human being figure on that chart, just to be able to tell you that, if you see in the middle of the scale
along the bottom 1k, which stands for one kilohertz, that’s a high pitched whistle. To the left of that, humans hear everything as if it was twice as loud than do these species, and today, we’re interested in pigs, and you see the curve with Ps connecting the lines.

760. All the way up to that 1k point a pig would hear sound as if it was half as loud as a human being would. And that is important. To the right of the 1k, these species are actually more sensitive than humans and the world as perceived by a pig or a cow or a sheep is very hissy. They are very, very sensitive to high frequency sound but much less so to lower frequency sound.

761. Now, of course, all the noise assessments that we see in the environmental statement are about the effects of noise on humans and Defra policy is about noise effects on humans. If there were special noise indices for hooved animals, the numbers would all be much lower because their sensitivity is less. That’s the first point.

762. But the second thing to come out of the review that was carried out in the preparation of this report is that animals are actually primarily sensitive to noise through it’s potential to cause startle. As I think Mr Gale pointed out, continuous noise is not really of any consequence, and farm buildings where some species are housed can be quite noisy themselves in a continuous way. The thing which affects animals is startle.

763. The location we’re looking at here is not that dissimilar to the Hopton location where there was a simulation of the sound of trains passing in the sound lab visit that the Committee made and you will have noticed that the noise grows and the train passes and it falls away, but it’s not a startling type noise.

764. And the third thing which stands out from the work underlying this report is that habituation occurs quickly and even sounds that are unfamiliar to animals and might startle them to being with, up to as few as 30 presentations of that sound to the animals, they start to take no notice whatsoever and we’ve all experienced riding on trains, looking out of the window, watching animals in the fields. They aren’t scampering away from the trains because they’re startled by it; they become habituated.

765. THE CHAIR: That seems very clear. Any questions for the witness?

766. MRS MURRAY: No.
767. THE CHAIR: Thank you.

768. MR THORNELEY-TAYLOR: So, if we go to page 8 of this report –

769. THE CHAIR: Sorry, I think we’re happy, unless there’s any questions from HS2.

770. MR WIGGIN: Let’s see what’s on page 8.

771. THE CHAIR: Let’s leave it to HS2. We are happy with what we’ve got, unless there are some additional points that need to be made. If so, please press ahead, but I just didn’t want the same point to be reinforced, it seemed very clear.

772. MS THORNTON QC (DfT): Well Mr Thornely-Taylor, I don’t want to cut you off from saying something that maybe material. Having said that, you’ve heard that the Committee is content with the explanation you’ve given so far. Is there anything material you wish the Committee to be aware of? In which case, could you summarise your point?

773. MR THORNELEY-TAYLOR: I was only going to point to the page where those thresholds I mentioned are listed and the numbers are much higher than the numbers that we use for the effect of noise on humans, so whereas we see a noise map with the lowest observable adverse effect contour including the Ridleys’ farm, if we apply the thresholds for effect on animals, they would be all outside the contour representing those thresholds.

774. THE CHAIR: Thank you.

775. MS THORNTON QC (DfT): No further submissions from me, sir.

776. MR WIGGIN: Mr Gale, did you want to ask any questions?

777. MR GALE: I don’t want to ask any questions, merely a very brief summary.

778. THE CHAIR: Has everyone finished – you’ve finished entirely, Mr Gale?

779. MR GALE: I just want to make a very simple statement at the end. Not a question.

780. THE CHAIR: Okay, quick summation, thank you very much. Go for it.
781. MR GALE: Really it’s just to go back to where we are with regards to the road and the realignment, the question is, if it doesn’t get moved, we are concerned about the viability of the farm, which is obviously something which we want HS2 to look at and go away and give consideration to. That’s all I wanted to say, sir, thank you.

782. THE CHAIR: That’s very helpful.

783. MR WIGGIN: It does fall within the blighted remit of HS2?

784. MS THORNTON QC (DfT): Yes.

785. THE CHAIR: I think it would be convenient to take a short ten minute break and then we’ll come back for the final petition and then we will meet in private. So we will come back at 3.35.

_Sitting suspended._

_On resuming –_

786. THE CHAIR: Mr Gale?

**HR and FJ Hooley**

_Submissions by Mr Gale_

787. MR GALE: Thank you, Mr Chairman. So, we move on to the Hooley family who farmed at Bishton Lane, which we’ve already heard about several times today, for over 140 years, fourth generation to farm there, 130 head of cattle, 900 ewes and 300 hogs. If you bring A177 up please, just to give an indication of the farm itself and the infamous Bishton Lane.

788. So, the farm itself is at the bottom on the right hand side. That is Bishton Lane Farm, and I think that the area actually does differ from what HS2 have on their plans; that is probably due to a recent purchase amongst other things, so that is the actual area of ownership.

789. So, as you can see, the issue we have here is with regard to Bishton Lane. There is something else as well, so the points that I made earlier with regards to the increased volume of traffic and all those points still hold true, but probably more so as far as the
Hooley family are concerned, is the proximity of their farm and the buildings to the road itself. They obviously have to cross that road with regards to livestock, so the cattle cross the road. Mr Hooley’s daughter has some eventing horses which she manages from there, who use Bishton Lane to exercise up and down as well and therefore, that, in itself is going to be impacted by the increased use of that lane by HS2.

790. The additional impact as far as the Hooley family are concerned is, as I say, the proximity of that property to Bishton Lane, but also you can see quite clearly from there, how straight it runs, straight past, and the big concern they have is that traffic speeds along there will be considerable. There are two families there, and one with young children. The concern obviously is that if the kids run out onto the road, which is a natural concern, that there will be great problems.

791. So, whilst we would prefer the vehicles to go along the trace, we have been told this morning that that isn’t going to be a possibility. I think that we could do with having some kind of assurance or undertaking from HS2 with regards to traffic calming measures, traffic speed limits along there, to try and protect Bishton Lane farm and the users of Bishton Lane Farm.

792. THE CHAIR: Do you have any specific proposals or are you just looking for a dialogue around –

793. MR GALE: We’re looking for a dialogue about it, rather than specifics. Obviously, I mean the traffic calming would be where it has to slow down because if they do widen the lane in parts – can you go to A176(3) please?

794. From there, you can see the lane going straight up Bishton and it’s wide enough there for probably a couple of cars, and the concern would then they see a straight piece and it’s wide enough, foot will go down. So it might be necessary to have some kind of calming measures along there.

795. MR WIGGIN: Mr Gale, sorry, you’ve said this before, but there is a legal speed limit, and we’re talking about HGVs. What makes you think these people are racing drivers instead of normal ordinary car drivers?

796. MR GALE: What I think is that they fact that there’s going to be a greater
number of movements up and down there means –

797. MR WIGGIN: There’ll be more traffic in the way.

798. MR GALE: – it’ll be likely – sorry?

799. MR WIGGIN: It means there will be someone in front of you. You won’t be able to floor it at all.

800. MR GALE: If that was the case then that would be fine. But I’ve got to look on the basis that there is the possibility of some of those users driving faster than they should do, and if this is only for a temporary measure, which originally was nine months but it’s now gone up to 15 months, then I can’t see an issue with having some kind of traffic calming. The point –

801. MR WIGGIN: It is an issue though. You’re not allowed to just slap traffic calming in the middle of a road; it’s a major thing for the local authority.

802. MR GALE: I would appreciate that but the fact is that the use of that road is going to increase because of the works of HS2, but there are already issues with regards to accidents on that road anyway.

803. MR WIGGIN: That’s as may be, but that’s not a speed issue that will be affected by HS2; that’s why I’m picking up on it.

804. MR GALE: The speed issue – but the volume of traffic is going to increase and not only whether it’s HGVs, but also, I think, if you look at the HS2 figures, it maybe goes up to 84 movements a day of light goods vehicles, as well. And therefore, my concern is not so much on the HGV side, because obviously they will only go at 56 miles an hour, but you will have those associated with the smaller vehicles and the greater volume of traffic is therefore likely to cause an issue.

805. THE CHAIR: Okay, thank you. Sheryll Murray?

806. MRS MURRAY: Just very quickly; very clearly, if there is a concern about traffic speeds, and has been a concern about traffic speeds, then it has always been available for the petitioners to have approached the local authority with regards to reducing the speed limit, and I would have thought that more heavy goods traffic using
this road would have an effect of slowing the traffic down.

807. MR GALE: It’s a possibility, but the talk is on the –

808. MRS MURRAY: When you look at how wide that road is.

809. MR GALE: There?

810. MRS MURRAY: I would have thought – I don’t know whether this is something that would possibly be taken up with a local traffic management plan? Which would look at this in more detail?

811. MR GALE: We would appreciate that.

812. THE CHAIR: Well we’ll wait and see what HS2 say.

813. MR GALE: Yes, we would appreciate that.

814. THE CHAIR: Let’s wait and see what they’ll say.

815. MR GALE: Yes. At the end of the day, the point that is being made obviously is that there is concern from the family that this is likely to happen.

816. THE CHAIR: Okay. Let’s move on to the next point.

817. MR WIGGIN: Sorry it’s my fault.

818. THE CHAIR: Legitimate points, all round.

819. MR WHITFIELD: It’s probably not a legitimate point, but if you look at the photograph that we’ve got in front of us, the first entrances on the right are clearly to the house and farm. There appears to be a junction further up on the right hand side that’s tarmacked. Is that just into a field because it doesn’t appear on any of the maps or anything?

820. MR GALE: There is a junction – if you just do down, go down below the cones, there, that is a junction down by the side – no, that one’s into the farm itself.

821. MR WHITFIELD: Yes, that goes into the farm and then you’ve got –
822. MR GALE: That goes into the farm yard, there’s one then into where the house is.

823. MR WHITFIELD: The house?

824. MR GALE: Yes.

825. MR WHITFIELD: Isn’t that further one.

826. MR GALE: That one I think might come round to the back of where – it comes back to another property which is part and parcel of the farm.

827. MR WHITFIELD: Right okay.

828. MR GALE: So all those three are access points into the farm, and that’s obviously where concern is with regard to the volume and potential speed of traffic.

829. MR WHITFIELD: I get you, yes.

830. MR GALE: Another point here is, can I put up A178 please? Now, that is a very similar point. The black line that is shown on there is a private water supply. That farm, and a number of other ones in that locality are actually on a bore hole supply, so they go into one of the underground aquifers in that area and the concern is, firstly whether there’s any issues in respect of contamination of that bore hole supply, but more importantly, the road widening is shown as going over, or certainly part of the safeguarding are, is going over where the line of the pipe runs. There’s also talk about passing places which again, potentially will impact upon that water supply.

831. So, really it is a case of making HS2 aware of this and trying to get some assurance with regards to how any road improvement, alternations are designed in order to reduce any potential impact on that supply, not only for the pipe itself, but also with the actual quality of that water. As I say, it is not just for them, there’s a number of others in that area. Bishton Farm itself, they’ve got three supplies. I’m not sure how many others are; there might be four or five others, total, bore holes into the same aquifer. So, that is a concern on there.

832. A point that the petitioner had asked me to raise, within the presentation, is planning consent for the movement of the farmhouse itself. Can I go to A176(5) please?
That gives you an indication of the proximity of the house to the road itself. And what was being suggested as to whether or not there’s the possibility of obtaining planning consent to move that house further back from the road, in the first instance.

833. THE CHAIR: Why?

834. MR GALE: Purely to move it away from where the traffic movement is going to be.

835. THE CHAIR: But this is only a temporary traffic movement. I think you’ve raised the issue; let’s move on. Thank you for raising it.

836. MR GALE: Thank you. Okay. Apart from that, I’m not going to go through the issues with regards to the actual use of the lane because we’ve already done that. So they are the points we’re talking about that. So, that is everything in relation to Messrs Hooley.

837. THE CHAIR: Thank you Mr Gale. Jacqueline Lean.

Response by Ms Lean

838. MS LEAN (DfT): Sir, I wonder if I could just bring up P117(9); this is one of the assurances that was given to Staffordshire County Council, specifically in relation to the proposed widening of Bishton Lane. I can’t bring up P117(9) but perhaps if I could paraphrase, this was an assurance that was given to Staffordshire in response to concerns they’d raised about the widening works proposed in the Bill for Bishton Lane, specifically that this could result in a change to the nature of the country roads following construction. As a consequence of what the county council sees as a relatively small number of HS2 vehicles during construction and operation and the need to use Bishton Lane.

839. And the assurance given was that the promoter would require the nominated undertaker to explore during detailed design of the proposed scheme, and if reasonably practicable, implement options for alternative traffic management measures which could be carried out within the existing highway boundary on Bishton Lane instead of widening works.
840. So, that’s the assurance that’s been given to Staffordshire, and I say in respect of the issues that have been raised and the asks specifically raised in the exhibits by the petition, it seems to me that those would fall within the nature of the sort of things that HS2 would be looking to explore as ways it could manage the use of Bishton Lane for the vehicles you’ve heard about, rather than having to undertake the widening works. So, in terms of any needs of traffic speeds or anything like that. And I would also note I’m not sure to which extent you’ve already been to the draft code of construction practice, but there’s a –

841. THE CHAIR: Quite deeply, but do carry on, for fear you’re going to raise a point that hasn’t been raised before, but I may stop you part way through, with your permission.

842. MS LEAN (DfT): No, it was just to note that obviously, within Section 14 which deals specifically with traffic and transport, there’s obviously provisions for local traffic management plans which will cover things like access routes and such like, and there’s also general route-wide measures, one of which will be contractor implementation of driver training programmes, relevant to their specific environment, e.g. to protect pedestrians or non-motorised traffic. So, there are also those general protections for these sorts of issues.

843. THE CHAIR: Excellent, thank you.

844. MS LEAN (DfT): In respect of water supply, the potential impact on the bore hole here was assessed within the environmental statement. If it’s helpful to turn it up, it’s passages 15.4.20 and 15.4.29 of the CFA report for this area. And you’ll see it’s identified in 15.4.20 which is a construction impact that the private unlicensed extraction at Bishton Lane Farm, Bishton Farm and near Bishton Hall Farm have the potential to be temporarily impacted by the widening of Bishton Lane. These water supplies will be protected, or if necessary, replaced prior to construction of the proposed scheme commencing which will result in there being no significant temporary effects.

845. And similarly, at paragraph 15.4.29 –

846. THE CHAIR: It would be useful if that was amended to make reference to quality, which seems perfectly reasonable. There was a continuity of supply and a
quality of supply issue.

847. MS LEAN (DfT): Indeed.

848. THE CHAIR: Is that already there, sorry?

849. MS LEAN (DfT): That isn’t in here, sir. I think that’s covered by the general measures that relate to works that could have the ability to impact on ground water quality elsewhere in things like the farmers’ and growers’ guide and in the draft code of construction practice, but it was just to flag that the potential for impacts have been identified and assessed and a means identified as to how that could be dealt with, within the environmental statement.

850. And you’ve also been taken, I think, to the NFU assurance on water supply, and the farmers’ and growers’ guide, and the draft code of construction practice, both contain provisions as to what should happen in the event of there being a cutting of pipes or an interference with private water supplies. So again there are – I understand the petitioner’s concerns about seeking more assurance, but there are a range of measures that are designed to address exactly this sort of impact and ones you’ve seen here about this impact superficially, including, I noted, a specific consideration on the petitioner’s exhibits asking for consideration to be given when looking at passing bays that may be provided as to whether we could avoid the bore hole, if I put it in short terms, and I’m certainly very happy to ask if an assurance can be given as to that because it seems obviously in everybody’s interests, if we are putting passing bays in, that we can avoid interfering with the water supply that we do so.

851. On terms of relocation of the building, this has been addressed by HS2 in a letter saying that they just don’t see that as being something that’s justified as a result of the limited and temporary impacts of the scheme, so unless there’s anything further, that was all I had on this petition.

852. THE CHAIR: Any questions from the Committee?

853. MR WIGGIN: Did you say that the drivers would get lessons to avoid pedestrians a few minutes ago? I’m not picking you up; I just got a little giggle and I just wondered if I’d really heard it right.
854. THE CHAIR: Reinforcing existing practice, maybe.

855. MS LEAN (DfT): I’m conscious this is a general route-wide measure, and I noticed on your face, when there some concerns, particularly around HGVs in urban environments, so I think this wording is meant to cover a whole range of situations, but there is that requirement for specific environment. It may be of particular interest, for example, if we’re dealing with interactions with equestrians in a rural environment because that maybe something that needs specific consideration for HGVs.

856. THE CHAIR: Mr Gale, any comments in summary?

857. MR GALE: The only comment that I would make is that it’s appreciated in respect of the water supply, assurance – I will use that loosely; I’m not sure if there is actually a mains supply on that side of the railway anyway, but that’s obviously something we – as long as it’s looked at early enough, then that is fine.

858. Apart from that, as far as Messrs Hooley are concerned, the only other thing I would say, as I said at the very beginning, is that, in summary I suppose, is that whilst it’s been – I wouldn’t say an enjoyable experience – whilst I feel that we’ve had a good hearing, it would have been much better if we hadn’t had to have been here in the first place. If we’d actually had engagement on a lot of these points, which might seem trivial in certain cases, they wouldn’t have had to go through the petition process and it would have then avoided them having expense for something which we feel is trying to mitigate issues that we foresee within the whole scheme. And so we find it wrong that the petitioner has to pay for me to be here to represent them to make those points which could have been done before.

859. And just on a final point, just listening to Mr Loescher last week, I think he suggested about an ombudsman. I did think that was quite a sensible idea providing that there was access to an ombudsman or some form, reasonably early on, rather than having to go through a long list and then going to it.

860. THE CHAIR: Thank you very much.